

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR  
APPROVAL OF A PROJECT UNDER CHAPTER 121A  
OF THE GENERAL LAWS OF THE COMMONWEALTH  
OF MASSACHUSETTS AND CHAPTER 652 OF THE  
ACTS OF 1960 AND FOR CONSENT TO THE  
FORMATION OF A LIMITED PARTNERSHIP TO BE  
ORGANIZED UNDER THE PROVISIONS OF SAID  
CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 p.m. on December 19, 1974, in Room 921, 1 City Hall Square, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority") on the Application dated November 27, 1974, of Walter K. Winchester and John R. Gallagher, III, General Partners doing business under the firm name and style of St. James Company, a limited partnership duly organized under the provisions of G.L., C. 109, (hereinafter referred to as the "Applicants") pursuant to the provisions of the G. L., C. 121A, as heretofore amended ("Chapter 121A"), and the Rules and Regulations of the Authority, for authorization and approval of a Project to be rehabilitated, operated and maintained in accordance with the provisions of Chapter 121A, Chapter 652 of the Acts of 1960 ("Chapter 652"), and the Application and for the consent by the Authority to the undertaking of the Project under the name St. James Company ("Redeveloper" or "Limited Partnership"). Due notice of said hearing was given previously by publication on December 4, 1974, and December 5, 1974, in THE BOSTON HERALD AMERICAN, a daily newspaper of general circulation published in the City of Boston, and mailing postage prepaid, in accordance with Rule 8 of the BOSTON REDEVELOPMENT AUTHORITY RULES AND REGULATIONS FOR SECURING APPROVAL OF PROJECTS IN BOSTON UNDER CHAPTER 121A OF THE GENERAL LAWS, AS AMENDED and in accordance with the provisions of Section 13 of said Chapter 652. The following members of the Authority were present during the hearing:

Messrs. Robert L. Farrell,  
James G. Colbert, Paul J. Burns and James K. Flaherty



B. The Project. The Project consists of the planning, rehabilitation, maintenance, management and operation by the Redeveloper of a presently existing building of 8-stories, to be rented in accordance with Massachusetts Finance Agency ("MFHA") income levels. This building is located on a parcel of land bounded by Saint James Road, East Newton Street, and Washington Street, as described in Exhibit A attached to the Application. The land is presently owned by the City of Boston. The Project is to be financed through a mortgage loan obtained from the Massachusetts Housing Finance Agency. The premises are hereinafter referred to as the "Project Area". The Project shall consist of the rehabilitation of the structure and the provision of the following:

Social Service offices and community space will be provided in the basement of the building. The remaining area will contain one hundred eighty-two (182) dwelling units consisting of forty-four (44) studios, one hundred and nineteen (119) one bedroom units and nineteen (19) two bedroom units.

Appurtenant facilities will include parking for nineteen (19) cars, a South End Community Facilities Room, two (2) lounges, a snack shop, a television room, a Chapel, a library, four (4) meeting rooms, a community kitchen, a multi-service center, an arts and craft area, a beauty parlor, a store, a bridge room and a laundry.

C. Authority Action. Before making the findings and determinations hereinbelow set forth and approving the Application the Authority has considered the Application itself, all documents, plans, exhibits and addenda filed with it or referred to in it, the model of the Project displayed at the hearing, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority are also personally familiar with and have viewed the Project Area. The findings and determinations of the Authority are as follows:



D. Project Area Substandard, Decadent and Blighted Open. The Project Area is a decadent area within the definition contained in Section 1 of Chapter 121A in that the area is detrimental to the safety, health, morals, welfare or sound growth of the community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise without the assistance provided by said Chapter 121A by reason of the following conditions, all of which are applicable to the Project Area:

- (a) The Project Area lies within the South End Urban Renewal Area, which area is detrimental to the safety, health, morals, welfare and sound growth of the community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation and in need of major maintenance and repair. It is improbable that the the area would be redeveloped by the ordinary operations of private enterprise.
- (b) The Project Area consists of structure which is deteriorated, obsolete, vacant and in need of major rehabilitation work and, in its present condition, the structure constitutes a hazard to the safety, health, morals, welfare and sound growth of the area in which it is located.
- (c) The structure to be rehabilitated should be preserved because of its aesthetic, architectural, historical and cultural significance. The rehabilitation of it and the conversion of it to uses now desirable and economically feasible while preserving the architectural heritage imposes burdensome restrictions upon it not feasible without the aids provided by Chapter 121A.



Area Constitutes a Project.

The Project as described in the Application constitutes a "Project" within the meaning of said Chapter 121A since it provides for the rehabilitation of a decadent area into safe and sanitary housing. The redevelopment of this Project Area will constitute a major improvement to the area and will encourage the conservation and rehabilitation of existing buildings adjacent to the Project Area.

E. Cost of Project. The cost of the Project has been estimated and the Project appears feasible. The cost of the Project will be approximately three million three hundred thousand (\$3,300,000.00) dollars. The cost will be financed in part by a Massachusetts Housing Finance Agency mortgage loan in an amount not greater than ninety (90) percent of the Project cost, or approximately \$2,970,000.00. The balance of the cost is to be provided by the limited partnership. The proposed general partners will advance all working capital required prior to construction up to the amount of the capital contributions of the limited partners. The Authority believes that the Redeveloper is well able financially to carry out the Project. The Authority requires as part of its approval that prior to completion of the construction of the Project that Saint James Company not dispose of its interest in the Project without first obtaining prior written approval from the Authority.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston, for the locality in which the Project Area is situated.

G. Effect of the Project. The Project will not be detrimental to the best interests of the public of the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structure to be rehabilitated is attractive, efficiently designed with ample light and air and appurtenant spaces; and will enhance the general appearance of the area while furnishing attractive and needed living accommodations and retail and commercial areas. The location proposed is excellent because of its ready access to public transportation, and convenience to the financial and



business districts and other residential area.

The Project will involve a favorable environmental impact except for insignificant noise which may accompany construction, as is set forth hereinafter in detail.

The carrying out of the Project although it will involve alteration of an existing structure, it will not, in any way involve the displacement of any person from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

H. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit B, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit B, the Authority hereby requires that the Applicant, prior to obtaining a building permit, 1) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; 2) submit to the Authority for its review and approval such plans and specifications or the project that the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and 3) adhere to such design review controls and requirements as the Authority may in its discretion impose.



Additionally, the Authority requires the Applicant, to the fullest extent permitted by applicable law, to give special emphasis and consideration to applications for tenancy from persons of the immediate area, where it has been established that there is a need for such housing.

The Authority further requires that no less than 25% of all the units to be provided shall be for low income persons and/or families at rent levels equivalent to those being charged by the Boston Housing Authority for public housing tenants.

I. Zoning Deviations. Exhibit C filed with and attached to the Application lists the deviations from the Boston Zoning Code, Building Code and Fire Laws on the total site in the aggregate. For the reasons set forth in the Application and supporting documents, including said Exhibit C, and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other Cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

J. Boston Zoning Code. The Project is located in an A-2 Zone District. Permission deviate from the following provisions of the Boston Zoning Code is hereby granted:

Use Requirements:

- (a) Article 8, Section 8-7 Use Regulations to allow office uses at the ground floor, that intended primarily for the convenience of the residents of the Housing and the adjacent neighborhood.
- (b) Article 10, Section 10-1 Limitation of Area of Accessory Uses to



allow the use of more than 25% of required rear yard for tenant parking.

Dimensional Requirements:

- (a) Relief from prescribed floor Area Ratio of this existing building (F.A.R.) of 20 - Article 13, Section 13-1, Table B, and Article 15, Section 15-1, Proposed FAR =  $258,000 \text{ s.f.} \div 50,827 \text{ s.f.} = 5.0$ .
- (b) Relief from Usable Open Space per dwelling unit, Article 13, Section 13-1, Table B, and Article 17, Section 17-1. 150 s.f./apt. required = 28,000 s.f.; proposed = 16,000 = 88 s.f./apt. (in addition there is 12,000 s.f. of interior tenant community space available for year round use).
- (c) Relief from Side Yard Requirements of Article 13, Section 13-1, Table B and Article 19. Actual sideyards 0'.
- (d) Relief from Front Yard Requirements of Article 13, Section 13-1, Table B and Article 18. Actual front yard 0'; required 20'.
- (e) Relief from Rear Yard Requirement of Article 13, Section 13-1, Table B and Article 20. Actual - 0'; Required = 30'.
- (f) Relief from Off-street Parking Provisions of Article 23. Required spaces =  $.6 \times 182 \text{ apts} = 109$  cars for residential use. Actual spaces provided = 19.
- (g) Relief from Setback of Parapet requirement of Article 13, Section 13-1, Table B, and Article 21. Actual setback = 0'. Required =  $\frac{20' + 120'}{6} = 23'$

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Health Laws.

No permission is required.

Fire Laws.

No permission is required.

Building Laws and Safety Code

Permission to deviate from the following provisions of Building Codes and Safety Code are hereby granted:

- (a) Section 618, Boston Building Code, to allow the continued use of two existing wood stairways. There are two existing steel stairways and one new steel stairway.
- (b) Section 221.2, Boston Building Code, Table 2.2 limiting the height of Type 3B construction to four stories. The existing 3B building is 6 stories plus basement.



(c) Public Safety Code and the Boston Building Code, Section 616 to allow the continued use of the existing flat roof to rear exit way stairs required as the second means of egress from the second floor of 3 two floor (duplex) apartments.

(d) Section 623 of the State Building Code, allow the continued use of the exitway stair that is within the same enclosure as one elevator shaft.

(e) Section 217.0 State Building Code, Table 2.6, limiting height to four stories, and limiting gross square footage per floor to 13,200 sq. ft., in type 3B Construction. The existing 3B building is 6 stories and is over 13,000 sq. ft. per floor.

(f) Section 609.11 of the State Building Code to allow continued access to two independent exits through the same public corridor.

(g) Section 609.12 to allow a single exit from each apartment even though the existing elevator is not enclosed in a separate lobby.

(h) Section 616.9, stairway construction, to allow for the continued use of two (2) existing wood stairways. These stairs will be enclosed in a 2 hour fire enclosure. In addition, there are two existing steel stairways and one new steel stairway.

K. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

(a) The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.



(b) No natural or man-made places are affected by the Project.

(c) The Project affects no archeological structure or site.

(d) The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.

(e) The Project Area is urban, and therefore, does not serve as a habitat for wild life.

(f) Being urban, the Project has no impact on any wilderness areas.

(g) The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

(h) The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, the Applicant has submitted an Environmental Impact Statement to the Massachusetts Housing Finance Agency, which must approve the Project.

(i) The Project does not involve the disposal of potentially hazardous materials.

(j) The Project does not involve the construction of facilities in a flood plain.

(k) The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

(l) The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

(m) The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage.